

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

20-mj-01010

BRANDON KIDDER,

Defendant.

MOTION TO ADJOURN STATUS CONFERENCE
AND EXCLUDE TIME

THE UNITED STATES OF AMERICA, by and through its attorney, James P. Kennedy, Jr., United States Attorney for the Western District of New York, CAITLIN M. HIGGINS, Assistant United States Attorney, of counsel, hereby requests, with defense counsel's consent, and for the reasons set forth in the attached declaration, an adjournment of the September 25, 2020 status conference.

DATED: Buffalo, New York, September 22, 2020.

JAMES P. KENNEDY, JR.
United States Attorney

BY: /s/ Caitlin M. Higgins
CAITLIN M. HIGGINS
Assistant United States Attorney
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DECLARATION

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

CAITLIN M. HIGGINS, being duly sworn, deposes and states:

1. I am an Assistant United States Attorney for the Western District of New York assigned to the prosecution of the above-referenced case. This declaration is submitted in support of the government's motion for an adjournment of the September 25, 2020 status conference.

2. Because the defendant's competency evaluation was not complete, the Court previously adjourned this status conference from September 9, 2020 until September 25, 2020. *See* Docket No. 32.

3. On September 22, 2020, the Court informed the parties that, based on a representation from the Bureau of Prisons, the competency evaluation report was not expected on October 5, 2020.

4. As such, the government requests that the September 25, 2020 status conference and competency hearing be adjourned until the week of October 12, 2020.

5. Your affiant has spoken with Dominic Saraceno, Esq., counsel for defendant, and he consents to the government's request for an adjournment.

6. The parties agree that time should be excluded as being in the interest of justice and not contrary to the interests of the public and the defendant in a speedy trial pursuant to Title 18, United States Code, Sections 3161(h)(1)(A) and 3161(h)(1)(D).

/s Caitlin M. Higgins
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